

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

John Doe	:	Case No. C2 05 901
944 E. Weber Rd	:	
Apt. B	:	
Columbus, Ohio 43211	:	
Plaintiff,	:	Judge: Smith
-vs-	:	Magistrate Kemp
The Salvation Army in the	:	
United States, et al.,	:	
Defendants.	:	

Motion for a Protective Order Allowing
Plaintiff to Proceed Pseudonymously

Now comes Plaintiff John Doe, through counsel, and respectfully moves this Court for an Order granting that:

1. He be permitted to proceed in this action under pseudonym;
2. His true identity be disclosed to the Court under seal; and
3. His identity be disclosed to Defendants under the terms of a protective order prohibiting any party and any officer, agent, employee, or any successor in interest to any party from disclosing the true identity of Plaintiff under penalty of contempt.

A Memorandum in support of this motion is attached.

Respectfully Submitted,

/s/ Jane P. Perry
Jane P. Perry
Ohio Reg. 0029698
Ohio Legal Rights Service
8 East Long Street, Suite 500
Columbus, Ohio 43215
(614) 466-7264
Fax: (614) 644-1888
Counsel for Plaintiff John Doe

Memorandum in Support

Plaintiff in this action asks the Court to permit him to proceed under pseudonym. When disclosure of a litigant's name would subject the litigant to undue and unnecessary injury, the litigant should be permitted to proceed under pseudonym. *Roe v. Wade*, 410 U.S. 113, 124 (1973).

Plaintiff's action concerns discrimination in employment based on his disability, mental illness. Plaintiff has been hospitalized in psychiatric institutions on a number of occasions in his adult life and remains under treatment by a psychiatrist, psychologist and case worker.

The Sixth Circuit has identified several considerations for deciding whether a court can excuse plaintiffs from identifying themselves. Among these are "whether prosecution of the suit will compel the plaintiffs to disclose information 'of the utmost intimacy'...." *Doe v. Porter*, 370 F. 3d 558, 560 (6th Cir. 2004).

Prosecution of this action will require Plaintiff to reveal information and records about his mental illness that would otherwise be confidential under federal and state laws. This is information "of the utmost intimacy"

and its disclosure subjects Plaintiff to the stigma so often associated with mental illness.¹

For this reason, Plaintiff requests that he be permitted to provide the Court with his name under seal to protect his confidentiality. This is necessary to allow Plaintiff to prosecute this action under pseudonym.

Defendants are already aware of Plaintiff's name and the circumstances that led to the filing of this action. Plaintiff therefore requests a protective order prohibiting any party and any officer, agent, employee, or any successor in interest to any party from publicly disclosing his true identity under penalty of contempt.

Respectfully Submitted,

/s/ Jane P. Perry
Jane P. Perry
Ohio Reg. 0029698
Ohio Legal Rights Service
8 East Long Street, Suite 500
Columbus, Ohio 43215
(614) 466-7264
Fax: (614) 644-1888
Counsel for Plaintiff John Doe

¹ As the Equal Employment Opportunity Commission writes, “[t]he workforce includes many individuals who face employment discrimination because their disabilities are stigmatized or misunderstood.” EEOC Enforcement Guidance on the Americans with Disabilities Act and Psychiatric Disabilities, at 3.

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of September, 2005, a true copy of the foregoing Motion for a Protective Order Allowing Plaintiff to Proceed Pseudonymously and accompanying Memorandum was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system and a copy of this Motion was served upon counsel for Defendants by regular United States mail. Parties may access this filing through the Court's system.

/s/Jane P. Perry _____

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